

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Erstwhile Adilabad District – Issue of Local Scheduled Tribe Agency Area Certificates – Cancellation of Local Scheduled Tribe Agency Area Certificate by the District Collector, Adilabad District vide Prods.No. C3/6255/2011-14, dated 18.04.2012- Appeal filed by Sri Banoth Ravinder S/o late Dasarath R/o Pikla thanda H/o Mamidipally village, Lingapur Mandal, Kumuram Bheem Asifabad District - Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.52

Dated:05.10.2023.
Read the following:-

1. Proceedings No.C3/6255/2011-14, dated 18.04.2012 O/o. the District Collector, Adilabad District
2. Appeal petition filed by Sri Banoth Ravinder S/o late Dasarath R/o Pikla thanda, H/o Mamidipally village, Lingapur Mandal, Kumuram Bheem Asifabad District, dated 26.08.2023.
3. Govt. Memo.No.995/TW.LTR/2023-1, dated 05.09.2023.
4. Govt. Notice No.995/TW.LTR/2023, dated 05.09.2023.

ORDER:-

In the reference 1st read above, the District Collector, Adilabad District has cancelled the Local ST Certificate bearing No. No.A/154/2008, dated 03.12.2008 issued by the Tahsilhar, Sirpur-U, Mandal in favour of the appellant Sri Banoth Ravinder, S/o.Late Dasarath, R/o.Pikla thanda (Mamidipally Village), Lingapur Mandal, Erstwhile Adilabad District and declared that the appellant does not belongs Agency Area for the following reasons:

- i) In compliance to the Notice given vide Lr.No.C3/6255/2011, dated 18.11.2011, Sri B.Ravinder S/o Dasarath R/o Piklanayak thanda H/o Mamidipally village of Sirpur-U Mandal, the Appellant had attended before the Committee on 25.11.2011 and submitted copy of Pahani for the year 1965-66, copies of Voter lists for the years 1971, 1977 and copy of Ration Card in support of his claim which are not satisfactory.
- ii) The individual was given further opportunities on 3.12.2011 & 15.12.2011 but he failed to produce evidences to prove his continuous residence in agency area since 26.1.1950 to till date as required under GO Ms.No.3, SW (TW.Edn.II) Dept. dated 10.1.2000.
- iii) The Tahsildar, Sirpur-U Mandal had enquired into the matter and reported that the Local Scheduled Tribe Certificate bearing No.D/154/2008, dated 3.12.2008 issued by the then Tahsildar, Sirpur-U Mandal is not genuine.
- iv) The study team which visited the village and enquired into the matter reported that the Local Scheduled Tribe Certificate was issued to the candidate basing on the Community, Nativity and Date of Birth Certificate issued to him on 29.5.2002, SSC, Inter, Degree, B.Ed. Certificates, Khasra Pahani of Vodani Village of Utnoor Mandal without it any year and Electoral I.D. Card. The documentary evidence did not support claim of the candidate that he or his parents have been residing in scheduled area since 26.1.1950.
- v) In view of the above, the Chairman, DLSC and members had come to a conclusion that Sri B.Ravinder S/o Dasharath R/o Piklanayak thanda H/o Mamidipally village of Sirpur-U Mandal had not produced any documentary evidences in support of his claim.
- vi) A final opportunity was given to the candidate on 7.4.2012 but he failed to produce any documentary evidences to prove his continuous residence since 26.1.1950.

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- vii) Therefore, the Collector & District Magistrate, Adilabad exercising powers under Rule 9 (7) of Rules, 1997 R/W Section 5 (1) of Act 16/1993 had cancelled the Local ST Certificate bearing No.D/154/2008, dated 3.12.2008 issued to the candidate Sri B.Ravinder S/o Dasharath.

2. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Adilabad, in the reference 2nd read above, the Appellant Sri Banoth Ravinder S/o late Dasarath R/o Pikla thanda, Mamidipalli village, Lingapur Mandal, Kumuram Bheem Asifabad District has filed the present Appeal before the Government under GO Ms.No.24, Tribal Welfare (LTR) Department, dated 12.6.2018 urging as follows:

- i) He belongs to poor Scheduled Tribe (Lambada) Community and hails from Agency Area in Adilabad District (now Kumuram Bheem Asifabad District) right from his forefathers even prior to 1950.
- ii) He has been provisionally selected to the post of School Assistant (Mathematics) in the Special DSC 2011 conducted by ITDA Utnoor, Adilabad District vide Application No.111743 under Agency Area Local ST candidature category. Subsequently, during verification of certificates, the District Collector, Adilabad has passed orders cancelling his Agency Area Local ST Certificate bearing No.D/154/2008, dated 3.12.2008 issued by the Tahsildar, Sirpur-U Mandal without considering his pleas and evidences.
- iii) In support of his claim that he belongs to the Agency Area Local ST category of Piklanayak thanda H/o Mamidipally agency village in Sirpur-U Mandal of Kumuram Bheem Asifabad District, the Appellant has submitted the copies of the following documents as evidentiary material:
 - a) Copies of Certificates related to educational qualifications from 3rd class to B.Sc., (MPC) Graduation, B.Ed.and APTET Qualification held in May, 2012 vide Hall Ticket No.12121911001993, date of examination: 01.06.2012.
 - b) Community and Date of Birth Certificate issued by Tahsildar, Lingapur wherein his caste was certified as Lambadis-28 (ST) and Date of Birth as 13.9.1983.
 - c) Local Scheduled Tribe Candidate (Agency Certificate) bearing No.D/154/08, dated 3.12.2008 issued by Tahsildar, Sirpur-U Mandal certifying that Sri Banoth Ravinder S/o B.Dasharath belongs to ST Lambada and residing in Pikla thanda H/o Mamidipally village of Sirpur Mandal which falls in Scheduled Area and that his parents also have been residing in Pikla thanda village Sirpur-U Mandal.
 - d) Certificate of Proof of Local Scheduled Tribe Candidate bearing No.D/25/2009, dated 12.01.2009 issued by Tahsildar, Sirpur-U Mandal certifying that Sri Banoth Ravinder S/o Dasarath belongs to Lambada ST and residing at Mamidipally village of Sirpur-U Mandal. As per Mandal Revenue Officer, Narnoor report dated 28.5.2002, his parents were residing in Kothapally-H village, Narnoor Mandal from 1949-50 to 1965 which falls in Scheduled Area. From 1965-66 to till date his parents are residing in Mamidipalli village of Sirpur-U Mandal, Adilabad District.
 - e) Election Identity Card issued to his grandfather Banavat Piklanayak S/o Kapuryi R/o H.No.1-141, Mamidiipalli village of Khanapur (ST) Assembly Constituency, date of issue: 15.12.1995.
 - f) Aadhar Card No.7103 2693 1828 issued to Sri Banoth Dasarath Naik (father of appellant) showing address as H.No.1-121, Pikla thanda, Mamidipalle.

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- g) Aadhar Card No.5095 0968 4643 issued to the appellant showing his residence as H.No.1-121, Pikla thanda, Mamidipalle.
- h) Family Enrolment Receipt by Department of Civil Supplies, Andhra Pradesh – issued to Sri Banoth Dasarath Naik (father of appellant) wherein their residence was recorded as H.No.1-121, Pikla thanda, Mamidipalle, Sirpur-U Mandal.
- i) Family Tree duly Notarized – Banoth Pikla S/o Kapurya is grandfather of appellant. He has three sons namely 1) Banoth Dasarath (father of appellant), 2) Bheemrao, 3) Rama Rao and 4) Lakshman (died) (paternal uncles). Father of the appellant Banoth Dasarath has three sons namely 1) Banoth Hari (eldest son) 2) Ravinder (son and appellant herein) and 3) Thirupathi (youngest son).
- j) Voter list for the year 1977 – 243 Khanapur Assembly Constituency – Part No.131 – Sl.Nos.219, 220, 221 and 222 show names of 1) Banoth Pikla S/o Kapurya (grandfather), 2) Danibai W/o Pikla (grandmother), 3) Desa S/o Pikla (father) and 4) Lachibai W/o Desya (mother).
- l) Land Pass Book for the years 1973, 1974 – shows name of Banoth Laxman S/o Pikla (youngest paternal uncle but died).
- m) Land Pass Book for the year 1976 in the name of Lachmibai W/o Dasya (mother).
- n) Land Pass Book for the year 1978 in the name of Lachmibai W/o Dasya (mother).
- o) Old Pattedar Pass Book vide Patta No.177 issued by Mandal Revenue Officer, Sirpooor (U) Mandal in favour of father Banoth Dasarya S/o Peekla for holding an extent of land acs.5.21 gts in Sy.No.7/22 (Metta).
- p) Pahani for the Fasli 1426 (year 2016) issued by Tahsildar, Sirpur-U Mandal in favour of Banoth Dasarath(father) for possession of land to an extent of acs.5.21 gts in Sy.No.7/22 situated in Mamidipalle village.
- q) New Pattedar Pass Book No.T16090070204 – Khata No.388 issued by Tahsildar, Lingapur Mandal (erstwhile Sirpur U Mandal) in favour of the appellant for possession of land to an extent of acs.2.30 gts in Sy.No.7/22/1 apportioned during family settlement after death of his father Dasarath.
- r) RoFR Title Deed No.1929100295 jointly issued by District Collector, Adilabad, Project Officer, ITDA Utnoor and Divisional Forest Officer, Jannaram Division to mother of appellant Smt.Banoth Lachibai W/o Dasarath Naik for possession of an extent of acs.3.187 gts in Peekla thanda, Mamidipalli village, Sirpur-U Mandal of Utnoor Revenue Division of Adilabad District (now Kumuram Bheem Asifabad District). This RoFR title deed amply proves that they have been under cultivation of the above land from their fore-fathers i.e. 3 generations.
- s) RoFR Title Deed No.1929100296 jointly issued by District Collector, Adilabad, Project Officer, ITDA Utnoor and Divisional Forest Officer, Jannaram Division to the appellant for possession of an extent of acs.3.839 gts in Peekla thanda habitation under Mamidipalle village of Sirpur-U Mandal in Adilabad District (presently in Kumuram Bheem Asifabad District).

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- t) GP Kothapally-H, Narnoor Mandal Resolution dated 2.6.2023 – wherein it was certified that the family of Sri Pikla S/o Kapurya lived in their village from 1949 to 1964 eking out their livelihood by cattle-herding and later migrated to Pikla thanda H/o Mamidipalli village.
 - u) GP Pikla thanda Resolution dated 23.6.2023 – wherein it was certified that the family of Banoth Pikla living in Pikla thanda H/o Mamidipally since 1965.
 - v) Pikla Thanda PESA Gram Sabha Resolution dated 23.6.2023 - wherein it was declared that the family of Banoth Ravinder has been living in Pikla thanda since 1965.
- iv) Therefore, in the light of the above documentary evidences, the Appellant pleaded that his family and forefathers have been continuously living in the agency villages i.e. Kothapalli-H (erstwhile Uttoor Taluq and presently Narnoor Mandal in Adilabad District) from 1949 to 1964 and from 1965 onwards to till date in Pikla thanda H/o Mamidipalle village of Lingapur Mandal in the present Kumuram Bheem Asifabad District (previously Sirpur-U Mandal of erstwhile Adilabad District).
- v) The Appellant prayed the Government to consider ALLOWING his Appeal treating him as Agency Area Local ST candidate of Kumuram Bheem Asifabad District and his Local ST certificate bearing No.D/154/2008, dated 3.12.2008 as genuine.

3. In the reference 3rd read above, Government have admitted the above Appeal petition under G.O.Ms.No.24, dated 12.06.2018 and requested the District Collector, Kumuram Bheem Asifabad District, the Project Officer, ITDA, Uttoor, Adilabad District and Tahsildar Lingapur Mandal Mandal, Kumuram Bheem Asifabad District to submit connected case records documents pertaining to the case along with para-wise remarks.

5. In the reference 4th read above, Notice was issued to the Appellant to attend for hearing on 14.09.2023 at 3.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant Sri Banoth Ravinder S/o late Dasarath has attended and submitted certain copies of documents. A representative from the O/o Deputy Director (TW), Kumuram Bheem Asifabad District has attended and submitted Lr.No.C2/746/2023, dated -09-2023 of the District Collector, Kumuram Bheem Asifabad requesting for postponement and give ample time to obtain the record from the District Collector, Adilabad and submit.

6. Findings

- It is evident from the proceedings of the District Collector, Adilabad in Rc.No.C3/6255/2011-14, dated 18.04.2012 the Appellant has been declared as not local Scheduled Tribe of agency area of Adilabad District basing on the documents submitted by him before the Scrutiny Committee i.e. 1) Pahani for the year 1965-66, copies of Voter lists for the years 1971, 1977 and copy of Ration Card were not sufficient and that the Tahsildar, Sirpur-U Mandal who enquired into the matter had also reported that the Local ST Certificate issued by his predecessor is not genuine but no specific reasons mentioned.
- The case of the Appellant pertains to the year 2011. Therefore, the documentary evidences submitted by the Appellant have been examined, verified and found valid with reference to the guidelines specified in G.O.Ms.No.24, Tribal Welfare (LTR) Department, dated 12.6.2018 which amply prove continuous residence of his family/forefathers in the agency villages i.e. Kothapally-H (Narnoor Mandal of Adilabad District) from 1949

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to 1964 and from 1965 onwards to till date in Pikla thanda H/o Mamidipalle agency village in Lingapur Mandal of the present Kumuram Bheem Asifabad District (previously Sirpur-U Mandal of erstwhile Adilabad District).

7. Government after careful examination of the matter and documentary evidences submitted by the Appellant and in view of the above findings, hereby allow the Appeal filed by the Appellant Sri Banoth Ravinder S/o late Dasarath R/o Pikla thanda H/o Mamidipally village, Lingapur Mandal, Kumuram Bheem Asifabad District, treating him as Local Scheduled Tribe of agency villages Kothapally-H (Narnoor Mandal) from 1949 to 1964 and Pikla thanda H/o Mamidipalle village in Lingapur Mandal of Kumuram Bheem Asifabad District (erstwhile Adilabad District) from 1965 onwards to till date, his Local Scheduled Tribe Certificate bearing No.D/154/2008, dated 3.12.2008 issued by the Tahsildar, Sirpur-U as GENUINE, duly setting aside orders of the District Collector, Adilabad in Procs.No.C3/6255/2011-14, dated 18.04.2012.

8. The Collector and District Magistrate, Kumuram Bheem Asifabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr.CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate,
Kumuram Bheem Asifabad District (By RPAD)
Sri Banoth Ravinder, S/o.Late Dasarath,
H.No.1-121, R/o.Piklathanda (Mamidipally Village), Lingapur Mandal,
Kumuram Bheem Asifabad District – 504313 (By RPAD)

Copy to:-

The Collector and District Magistrate, Adilabad District
The Commissioner Tribal Welfare, Telangana State, Hyderabad.
The Project Officer, ITDA, Utnoor, Adilabad District
The Deputy Director(TW), Adilabad District.
The District Tribal Development Officer(TW),
Kumuram Bheem Asifabad District.
The District Educational Officer, Kumuram Bheem Asifabad District
The Tahsildar, Lingapur Mandal, Kumuram Bheem Asifabad District.
The P.S. to Hon'ble Minister for ST Welfare.
The PA to Secretary (TW).
The PA to Special Secretary (TW).
Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER.